

SENATE BILL 2528

By Faulk

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5 and Title 39, Chapter 17, Part 13, relative to certain records involving handgun carry permits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subsection:

(n)

(1) Except as provided in subdivision (2) of this subsection and § 39-17-1363, the following documents, and the information contained in such documents, are confidential, not open or available for public inspection and shall not be released in any manner:

(A) The application or permit renewal application for a handgun carry permit issued pursuant to § 39-17-1351, and the information contained therein;

(B) Other materials submitted to the department to obtain a handgun carry permit and the information contained in such materials;

(C) Materials provided to a governmental agency, or employee thereof, for the purpose of the agency conducting an investigation into an applicant for a handgun carry permit and the information contained in such materials;

(D) The results of any criminal history background check conducted pursuant to § 39-17-1351; and

(E) Whether a person has or has not been issued a handgun carry permit.

(2)

(A)

(i) All documents, and the information contained in such documents, unless otherwise protected by state or federal law, pertaining to a handgun carry permit which has been revoked pursuant to § 39-17-1352, shall be open records and, upon written request to the department of safety, shall be made available for public inspection as provided in this part by a method to be determined by rule of the department of safety.

(ii) The department shall also have the authority to publicly post a listing of the names of persons whose handgun carry permits have been revoked.

(B) If a permit has not been revoked pursuant to § 39-17-1352, or if a permit has not been issued pursuant to § 39-17-1351, the department shall not provide any information in response to a request for information pursuant to this subsection.

(3) Any information or other records regarding an applicant or permit holder may be released to a law enforcement agency for law enforcement purposes, or for determining the validity of a handgun carry permit, or to a child support enforcement agency for purposes of child support enforcement, but shall not be publicly disclosed except as evidence in a criminal or child support enforcement proceeding.

(4) Nothing in this subsection shall prohibit release of handgun carry permit statistical reports authorized by § 39-17-1351(s).

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

Section 39-17-1363.

(a) It is the intent of the general assembly that the department of safety make available to a requesting person, via an electronically searchable database, information necessary to determine if a named person has a handgun carry permit in this state that, at the time of the search, is in any status other than revoked. The results of the search shall be based entirely upon the information provided by the person making the search. Names of revoked permit holders will be available pursuant to § 10-7-504(n)(2)(A) and (B).

(b) The department shall have the authority to determine the manner by which it will provide access to handgun permit data. The department shall have sole discretion to determine the format by which handgun permit data is provided to a requester.

(c) The department may also include a method by which a person or entity may purchase, in bulk, the addresses only of persons with a handgun carry permit in this state that are in any status other than revoked. The amount of data that can be purchased at a time and the reasonable cost for each such purchase request shall be determined by the department. Only addresses within the criteria defined as city, state, county, or zip shall be provided to a person requesting a bulk data purchase. No names or other identifying information shall be provided in any bulk purchase requested pursuant to this subsection.

(d) The cost of operating the handgun carry permit holder searchable database established by this section shall be funded on a transaction cost basis, unless, in the discretion of the department, another method of funding is preferable.

(e) Except as provided in § 10-7-504(n)(3) and (4), no handgun carry permit holder information described in § 10-7-504(n) shall be released or made public unless in accordance with the provisions of this section.

SECTION 3. For purposes of promulgating necessary rules and regulations and for purposes of the department of safety establishing and implementing the data system described in this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on January 1, 2011.